

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 SCCT-01 IO-13 SAJ-01 ACDA-07

/075 W

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O R 051420Z AUG 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 0935

INFO USMISSION USBERLIN IMMEDIATE

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 13126

E.O. 11652: GDS

TAGS: PGOV, PFOR, GW, US, FR, UK, WB, UR

SUBJECT: FEDERAL PROSECUTION OF LORENZ KIDNAPPERS IN  
BERLIN

REFS: (A) BONN 11917; (B) BONN 12111; (C) STATE 75383

SUMMARY: THE FRG HAS AGREED TO THE ALLIED PROPOSALS  
CONCERNING THE LORENZ PROSECUTION. THE OFFICE OF THE  
FEDERAL PROSECUTOR WILL HANDLE THE CASE, BUT THE  
FEDERAL PROSECUTOR HIMSELF WILL TAKE NO PART IN A  
POSSIBLE TRIAL. END SUMMARY.

1. FRG REP (HENZE) HAS INFORMED THE BONN GROUP THAT THE  
FRG HAS AGREED TO THE ALLIED PROPOSALS CONCERNING THE  
LORENZ PROSECUTION. IN A MEETING CALLED BY THE FRG FOR  
THAT PURPOSE, HENZE SAID THAT A LETTER HAS BEEN  
RECEIVED FROM THE JUSTICE MINISTRY CONCERNING THE  
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FUTURE CONDUCT OF THE INVESTIGATION, INDICTMENT, AND

TRIAL OF THE LORENZ KIDNAPPERS. THE SEQUENCE OF EVENTS OUTLINED IN THE LETTER IS CONGRUENT WITH THE PROPOSALS CONTAINED IN THE ALLIED NON-PAPER WHICH WAS PASSED TO THE FRG IN BONN GROUP ON JULY 16.

2. ACCORDING TO HENZE, THE PROSECUTION IS TO PROCEED IN THE FOLLOWING MANNER:

- THE VARIOUS ACTIONS, INCLUDING THE LORENZ KIDNAPPING, THE MURDER OF VON DRENKMANN, THE ATTACK ON THE BRITISH YACHT CLUB, AND THE VARIOUS BANK ROBBERIES WILL BE CONSOLIDATED INTO A SINGLE CASE.
- THE OFFICE OF THE FEDERAL PROSECUTOR WILL CARRY ON WITH THE INVESTIGATION OF THAT CASE.
- THE BERLIN ASPECTS OF THE CASE WILL BE INVESTIGATED BY THE FEDERAL PROSECUTOR'S OFFICE IN BERLIN, THE FRG ASPECTS BY THE OFFICE IN KARLSRUHE.
- THE INDICTMENTS WILL BE HANDED DOWN IN BERLIN. HOWEVER, HENZE EMPHASIZED THAT THIS WOULD NOT OCCUR WITHIN THE NEAR FUTURE.
- A SINGLE TRIAL WOULD THEN OCCUR IN BERLIN IN WHICH THE PROSECUTION WOULD BE HANDLED BY LOCAL MEMBERS OF BERLIN OFFICE OF THE FEDERAL PROSECUTOR. THE LETTER SPECIFICALLY AND CATEGORICALLY STATED THAT THE FEDERAL PROSECUTOR HIMSELF WILL TAKE NO PART IN THOSE PROCEEDINGS.

AT THE CONCLUSION OF HIS STATEMENT, HENZE REITERATED THAT NO INDICTMENTS WOULD BE HANDED DOWN WITHIN THE FORESEEABLE FUTURE.

3. THE DISCUSSION THEN TURNED TO THE QUESTION OF HOW THE MATTER SHOULD BE HANDLED VIS-A-VIS THE PRESS. A CONFIDENTIAL

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CONSENSUS SCENARIO EMERGED COORDINATING FRG AND ALLIED POSITIONS.

4. ON THE FRG SIDE, NO PRESS STATEMENT WOULD BE ISSUED. IN THE EVENT OF PRESS INQUIRIES- THE LINE WILL BE TAKEN THAT:

- THE FEDERAL PROSECUTOR'S OFFICE IS CONTINUING

THE INVESTIGATION.

-- THE FILING OF CHARGES WILL DEPEND UPON THE  
RESULTS OF THE INVESTIGATION.

-- INDICTMENTS ARE NOT EXPECTED IN THE NEAR

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 13126

FUTURE.

IF ASKED, THE FRG WILL RESPOND THAT IT WOULD BE PRE-  
MATURE TO COMMENT ON THE SITE OR CONDUCT OF A POSSIBLE  
TRIAL BEFORE INDICTMENTS HAVE BEEN HANDED DOWN.

5. ON THE ALLIED SIDE, NO PRESS STATEMENT WOULD BE  
ISSUED. IN THE EVENT OF PRESS INQUIRIES, THE LINE

WILL BE TAKEN THAT:

-- WE UNDERSTAND COMPETENT GERMAN AUTHORITIES ARE  
CONTINUING THE INVESTIGATION.

-- THOSE DOING SO IN BERLIN ARE ACTING IN CONFOR-  
MITY WITH ALLIED RIGHTS AND RESPONSIBILITIES  
AND ARE SUBJECT TO ALLIED AUTHORITY.

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-- ONLY THE COMPETENT GERMAN LEGAL AUTHORITIES  
ARE IN A POSITION TO COMMENT ON THE STATE OF  
THE INVESTIGATION.

6. THERE WAS ALSO A GENERAL CONSENSUS THAT THERE WAS  
NO POINT IN GOING BACK TO THE SOVIETS ON THIS SUBJECT.  
FRENCH REP (LASSUS) REPEATED HIS POSITION THAT  
SUFFICIENT REPLY HAD ALREADY BEEN MADE. UK REP (HITCH)  
OBSERVED THAT AN ADDITIONAL REPLY AT THIS LATE DATE  
MIGHT BE VIEWED BY THE SOVIETS AS PROVOCATIVE. HENZE  
FELT THAT IT WAS RATHER LATE. WE SHOULD NOT GIVE THE  
IMPRESSION THAT AN IMPORTANT DECISION HAD NOW BEEN  
TAKEN. US REP (HUGHES) AGREED. HE ADDED THAT WITH THE  
QA 5TH ANNIVERSARY SITUATION AND THE MOSCOW STATEMENT  
ON BERLIN AND EC DIRECT ELECTIONS, WE ALREADY HAVE A  
FULL PLATE WITH THE SOVIETS.  
HILLENBRAND

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